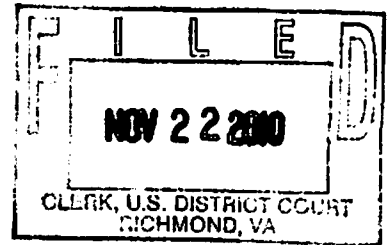


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JAMES D. WOMACK,

Plaintiff,

v.

Civil Action No. 3:10cv165

MICHAEL J. ASTRUE,
COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

ORDER

This matter is before the Court on plaintiff's MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR REMAND (Docket No. 12) and the DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Docket No. 15).

Having reviewed the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Docket No. 16) entered herein on October 20, 2010, the plaintiff's objections thereto (Docket No. 17), the defendant's response to plaintiff's objections (Docket No. 18) and having considered the record and the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE and finding no error therein, it is hereby ORDERED that:

- (1) The plaintiff's objections are overruled;
- (2) The REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) The plaintiff's MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR REMAND (Docket No. 12) is denied;

(4) The DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Docket No. 15) is granted;

(5) The final decision of the Commissioner of Social Security is affirmed; and

(6) This action is dismissed.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

The Clerk is directed to send a copy of this Order to the plaintiff and to counsel of record.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: November 19, 2010